

11-04-04

JPW RCE
1631

PTO/SB/30 (09-04)

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Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/966,373
Filing Date	September 28, 2001
First Named Inventor	Muraca
Art Unit	1631
Examiner Name	Smith, Carolyn L.
Attorney Docket Number	5568/1042

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☐ Other _____

- b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 16-0085, Ref. No. 5568/1042. I have enclosed a duplicate copy of this sheet.

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

- b. ☐ Check in the amount of \$ _____ enclosed

- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Michael P. Doyle</i>	Date	November 3, 2004
Name (Print/Type)	Michael P. Doyle	Registration No.	49,052

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

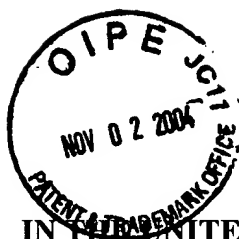
Signature	<i>Michael P. Doyle</i>	Date	November 3, 2004
Name (Print/Type)	Michael P. Doyle		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

11/05/2004 HAL111 00000045 09966373

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Atty. Docket No.: 5568/1042

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Muraca
Serial No.: 09/966,373
Filed: September 28, 2001
Entitled: Oncology Tissue Microarrays

Examiner: Smith, Carolyn L.
Group Art Unit: 1631
Conf. No.: 3910

CERTIFICATE OF MAILING UNDER 37 CFR 1.10

I hereby certify that the paper (and any paper or fee referred to as being enclosed) is being deposited with the United States Postal Service using Express Mail to Addressee Service, under 37 C.F.R. Section 1.10, **Express Mail Label No. EL928104699US** on this date, **November 3, 2004**, postage prepaid, in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Michael P. Doyle

Name of Person Mailing Paper

Signature of Person Mailing Paper

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO ADVISORY ACTION AND REQUEST FOR CONTINUED
EXAMINATION**

Sir:

In response to the Advisory Action mailed on October 22, 2004, Applicants are filing herewith a Request for Continued Examination. With the Request for Continued Examination, Applicant submits herewith an Amendment and Reply for consideration.

The Applicant submitted an After Final Amendment on September 27, 2004; the Amendment was not entered. As such, Applicant requests that the September 27, 2004 Amendment be withdrawn and the Amendment submitted herewith be entered.

The Commissioner for Patents is hereby authorized to charge any fees to Deposit Account No. 16-0085, Reference 5568/1042. A duplicate of this transmittal letter is enclosed for this purpose.

Respectfully submitted,

Date: November 3, 2004

Name: Michael P. Doyle
Registration No.: 49,052
Customer No.: 29932
Palmer & Dodge LLP
111 Huntington Avenue
Boston, MA 02199-7613
Tel: 617-239-0100



Atty. Docket No.: 5568/1042

PATENT

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Application of: Muraca
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Michael P. Doyle

Name of Person Mailing Paper

Signature of Person Mailing Paper

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND REPLY

Sir:

This Amendment is being filed concurrently with the Request for Continued Examination on November 3, 2004 in the above-identified application.

Amendments to the Claims are shown in the "Listing of the Claims" which begins on page 2 of this paper.

Remarks begin on page 8 of this paper.

Applicants respectfully request entry of the amendments and remarks.